

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IT'S A NEW 10, LLC, a Florida Limited Liability Company,	:	
	:	ECF CASE
	:	
Plaintiff,	:	Civil Action No.: 17-cv-4231
	:	
v.	:	District Judge: J. Paul Oetken
	:	
HARMON STORES, INC., A Delaware Corporation and BED, BATH & BEYOND, a New York Corporation,	:	
	:	
	:	
Defendants.	:	
	:	
	X	

**DECLARATION OF CHARLES P. KENNEDY
IN SUPPORT OF DEFENDANTS' BRIEF IN OPPOSITION TO
PLAINTIFF'S ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION**

I, CHARLES P. KENNEDY, declare as follows:

1. I am a Partner in the firm of Lerner, David, Littenberg, Krumholtz & Mentlik LLP, attorneys for the defendants Harmon Stores, Inc. and Bed Bath & Beyond in this pending action. I make this declaration for purposes of identifying photographs of products to be submitted as exhibits on this motion.

2. Attached as Exhibit A is a true and accurate photograph of Plaintiff's It's a 10 miracle leave-in plus keratin product in the 10 oz. container.

3. Attached as Exhibit B is a true and accurate photograph showing Plaintiff's It's a 10 miracle leave-in plus keratin product in the 10 oz. container and Defendants' Harmon Face Values leave-in conditioner.

4. Attached as Exhibit C is a photograph of additional products from plaintiff's line of It's a 10 haircare products.

I declare under penalty of perjury that the foregoing is true and correct and that statements made based on information and belief are believed to be true and correct.

Dated: June 23, 2017

By:

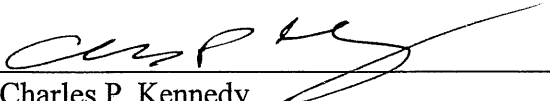

Charles P. Kennedy

EXHIBIT A



EXHIBIT B



EXHIBIT C

